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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION

Applicants:	Max Aebi et al.	Confirmation No.:	3676
Application No.:	10/538,542		
Int'l Appln. No.:	PCT/CH02/00706	I.A. Filing Date:	December 17, 2002
For:	INTERVERTEBRAL IMPLANT COMPRISING JOINT PARTS THAT ARE MOUNTED TO FORM A UNIVERSAL JOINT	Attorney Docket:	8932-1181-999 (new) (formerly LUS-16099)

New York, New York 10017
September 22, 2006

Attention: PCT Legal Staff
Mail Stop PCT
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION
FOR PATENT DESIGNATING THE U.S.
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Sir:

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. § 371(c) were not filed prior to the expiration of the time set in 37 C.F.R. § 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. § 371(c) requirements were due. See 37 C.F.R. § 1.495(h).

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS
APPLICATION.

Applicants first became aware of the abandonment when they received a Notification Of Abandonment mailed August 4, 2006 (copy attached). Upon subsequent teleconferences with Shelby J. Vigil (703-308-9140, ext. 224) of the USPTO, the undersigned attorney learned of a Notification Of Missing Requirements Under 35 U.S.C. § 371 mailed November 25, 2005. However, although properly addressed, applicants' representatives have no record of ever receiving the Notification Of Missing Requirements.

Accordingly, applicants state that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

The required reply to the Notification Of Missing Requirements is submitted concurrently herewith and includes the following:

1. A Reply To Notification Of Missing Requirements Under 35 U.S.C. § 371;
2. A copy of the November 25, 2005 Notification Of Missing Requirements Under 35 U.S.C. § 371 (which Shelby J. Vigil faxed to the undersigned attorney on August 22, 2006 following the above-mentioned teleconferences);
3. A copy of a partially-executed Declaration, all inventors except one having signed;

4. A Petition For Filing By Other Than All Inventors Under 37 C.F.R. § 1.47(a), a First Statement Of Facts with attached Exhibits A and B, and a Second Statement Of Facts with attached Exhibits 1-5; and

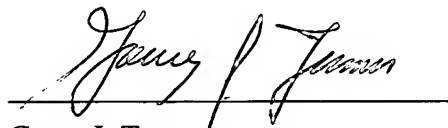
5. A Second Preliminary Amendment.

Because this international application has an international filing date after June 8, 1995, no terminal disclaimer is required.

Pursuant to MPEP § 711.03(c)(II)(A), a "petition for an extension of time under 37 C.F.R. § 1.136 and a fee for such an extension of time are not required to be included with the reply" accompanying this petition to revive.

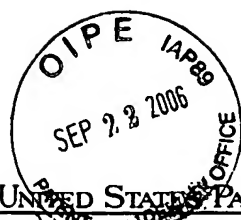
Please charge \$1,500.00 in payment of the fee for this petition to revive an unintentionally abandoned application set forth in 37 C.F.R. § 1.17(m) to Deposit Account No. 50-3013. Please charge any other fees required in connection with this Petition to Deposit Account No. 50-3013. A duplicate copy of this Petition is enclosed.

Respectfully submitted,



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Attorney for Applicants

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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.

10/538,542

FIRST NAMED APPLICANT

Max Aebi

ATTY. DOCKET NO.

LUS-16099

INTERNATIONAL APPLICATION NO.

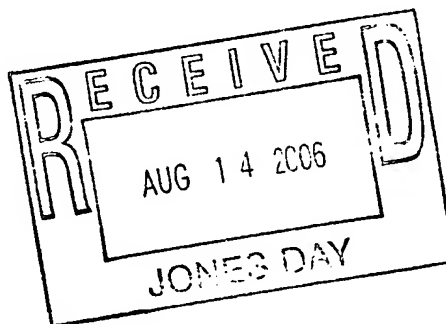
PCT/CH02/00706

I.A. FILING DATE

PRIORITY DATE

12/17/2002

JONES DAY
 222 EAST 41ST STREET
 NEW YORK, NY 10017



CONFIRMATION NO. 3676

371
 ABANDONMENT/TERMINATION
 LETTER



OC000000019881767

Date Mailed: 08/04/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- no response to missing part 11/25/05

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)